

05-2300

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PATENT
PC8626BJTJIN THE UNITED STATES PATENT AND TRADEMARK OFFICEAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b)(1), of pending prior non-provisional application serial no. **08/727,634** filed on **November 4, 1996** of **William J. Curatolo, et al.** for **Controlled-Release Dosage Forms of Azithromycin**.

1. [X] Enclosed is a copy of the prior application, including the oath or declaration as originally filed and a declaration verifying it as a true copy is contained hereinbelow.
2. [X] The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY
CLAIMS CANCELLED BY AMENDMENT BELOW

| FEE | NUMBER | NUMBER | | BASIC |
|--------------------------------------------|-----------|-----------------|-----------|--------------------------|
| FOR | FILED | EXTRA | RATE | |
| | | | | \$690.00 |
| Total Claims | <u>78</u> | -20 = <u>58</u> | X \$18.00 | <u>\$1,044.00</u> |
| Independent Claims | <u>3</u> | - 3 = <u>0</u> | X \$78.00 | <u>\$0.00</u> |
| Multiple Dependent Claim(s) fee (\$260.00) | | | | <u>\$260.00</u> |
| Total Filing Fee | | | | <u>\$1,994.00</u> |

3. [X] Please charge Deposit Account No. 16-1445 in the amount of \$1,994.00. Two copies of this sheet are enclosed.
- [X] The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Account No. 16-1445. Two copies of this sheet are enclosed.
4. [X] Cancel in this application original claims 2 through 71 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

The PTO did not receive the following
dated 10/24/96 (s) of abstract

EXPRESS MAIL NO. 9633948465US

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Jc832 U.S. PTO

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5. [X] Amend the specification by inserting before the first line the sentence: -- This is a division of application serial no. 08/727,634, filed on November 4, 1996, entitled Controlled-Release Dosage Forms of Azithromycin which is the national stage under 35 U.S.C. §371 (c) of International Patent Application No. PCT/IB95/00264, filed 13 April 1995, claiming priority to U.S. patent application no. 08/239,094, filed 6 May 1994.--
6. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of base issue fee.)
- a. [X] New formal drawing is enclosed.
7. [] Priority of application serial no. filed on in Great Britain is claimed under 35 U.S.C. 119.
- [] The certified copy was filed by the International Bureau of the PCT in prior application serial no. _____, filed _____.
8. [X] The prior application is assigned of record to Pfizer Inc.
9. [X] The power of attorney in the prior application is to (name, registration number, and address) **Peter C. Richardson, Reg. No. 27,526, et al., 235 East 42nd Street, New York, NY 10017.**
- a. [X] The power appears in the original papers in the prior application.
- b. [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] Address all future communications to Gregg C. Benson, Pfizer Inc., Eastern Point Road, Groton, Connecticut 06340.
10. [X] A preliminary amendment is enclosed.

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11. [X] I hereby verify that the attached papers are a true copy of prior application serial no. 08/727,634 as originally filed November 4, 1996. It is noted that the copy is of the International Application PCT/IB95/00264, published as WO 95/30422, with replacement pages 89 and 94 inserted, which pages were submitted by letter of May 16, 1996 during the PCT prosecution phase before the International Preliminary Examining Authority (IPEA/EP).

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

MAY 22, 2000

(date)

James T. Jones

(signature)

Pfizer Inc.
Patent Dept.
Eastern Point Road
Groton, CT 06340
(860) 441-4903

James T. Jones
Attorney for Applicants
Reg. No. 30,561

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